

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Figure 4.

Attachment: Replacement sheet no. 3 of 4.

REMARKS

The Applicant hereby traverses the rejections of record and requests reconsideration and withdrawal of such in view of the remarks herein. The specification and the drawings have been amended. Claims 1-23 are pending in this application.

Objection to the Drawings

Applicant has made the changes to the Drawings to correct the inconsistencies noted by the Examiner. In view of the changes, Applicant respectfully requests the objection to the drawings be withdrawn.

Objection to the Specification

Applicant has made the amendment to the specification to correct the inconsistencies noted by the Examiner. In view of the amendment, Applicant respectfully requests the objection to the specification be withdrawn.

Objection to the Claims

Applicant has amended claims 14 and 22 have been amended to replace "Itanium Processor Family" with "IA-64". No new matter has been added as the Itanium family of processors referred to in the specification are defined as IA-64 microprocessors. See, definition of Itanium, Wikipedia.com. In view of the amendments to claim 14 and 22, Applicant respectfully requests the objection to the claims be withdrawn.

Rejection under 35 U.S.C. § 103 ()

Claims 1-10, 12 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,717,942 to Haupt et al. (hereinafter, "Haupt") in view of U.S. Patent No. 6,658,591 B1 to Arndt (hereinafter, "Arndt") further in view of U.S. Patent No. 5,564,040 to Kubala (hereinafter, "Kubala") further in view of U.S. Patent Publication No. 2002/0116469 to Okuyama (hereinafter, "Okuyama").

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. *see* M.P.E.P. § 2143. Without admitting that the second criteria is satisfied, the Applicant respectfully asserts that the Examiner's rejection fails to satisfy the first or third criteria.

Lack of All Claim Limitations.

Claim 1 requires building a list of reset register addresses associated with the plurality of processors. The combination put forth by the Examiner does not describe at least this limitation. The Examiner has taken the position that Kubala describes this limitation, Haupt, Arndt and Okuyama are not relied upon as teaching this limitation. The Examiner points to column 7, lines 39-50 as describing building a list of reset register addresses associated with the plurality of processors, as required by claim 1. Applicant respectfully disagrees with the Examiner's characterization of Kubala.

Kubala describes a hardware machine which is divided into a plurality of logical partitions, each of which functions as a virtual hardware machine. Abstract. The portions of Kubala cited by the Examiner refer to problems with these logical partitions when detected by a server logical partition 107. Col. 7, lines 28-30. The logical partition manager 106 then performs a store status function for all the server logical partition 107's logical processors. Col. 7, lines 39-41. The logical partition manager produces a logout request for the service processor 101 that includes a list of valid logical processors and their prefix register values. Col. 7, lines 41-46. The logical partition is then reset by the logical partition manager. Col. 7, lines 46-50.

Applicant would respectfully point out that Kubala only describes resetting a logical partition, which includes making a list of valid logical processors. The prefix register values referred to by the Examiner are not reset register addresses associated with the plurality of processors, as the processors referred to by Kubala are logical processors, not physical processors, and therefore cannot have reset register addresses as required by claim 1. Further, because Kubala does not describe resetting the logical processors, only resetting the

logical partition, it follows that the prefix registers of Kubala are clearly not reset register addresses as required by claim 1. As Kubala does not describe building a list of reset register addresses associated with the plurality of processors, Kubala does not describe, and Haupt, Arndt and Okuyama are not relied upon as describing, at least this limitation of claim 1 as required by § 103.

Claims 2-10, 12 and 13 depend from claim 1 and therefore inherit all the limitations thereof. Claims 2-10, 12 and 13, therefore, are allowable for at least the reasons set forth above with respect to claim 1.

Claim 23 requires means for building a list of reset register addresses associated with the plurality of processors. For the reasons described above with reference to claim 1, Kubala does not describe at least this limitation of claim 23 and Haupt, Arndt and Okuyama are not relied upon as teaching this limitation. Claim 23, therefore, is allowable over the rejection of record.

Lack of Motivation

The mere fact that references can be combined does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *see In re Mills*, 916 F.2d 680 (Fed. Cir. 1990); M.P.E.P. § 2143. Applicant respectfully submits that Kubala does not provide motivation for combining Kubala with Haupt, Arndt and Okuyama, as the Examiner suggests.

The Examiner's stated motivation for combining Kubala with Haupt, Arndt and Okuyama is "to make use of reset register address list creation in view of the teachings of Kubala, as doing so would incorporate protective measures to prevent tampering with hardware and software facilities (column 1, lines 49-52)." Applicant would respectfully assert that the motivation cited by the Examiner describes prior art data processing systems which are completely functional systems for a particular purpose and are not user programmable. Col. 1, lines 34-42. Kubala states that "because of these protective considerations, servers have not been provided as logical partitions in a logically partitioned system." Col. 1, lines 52-55. Since Kubala only describes logical partitions in servers, the

motivation cited by the Examiner teaches directly away from using the logical partitions of Kubala, and which are relied upon by the Examiner..

As the motivation cited by the Examiner for combining Kubala with Haupt, Arndt and Okuyama is not appropriate, Applicant respectfully asserts that, at the very least, there is no motivation to make combine Kubala with the other references cited by the Examiner as required by *In re Mills*. Applicant, therefore, respectfully requests that the rejection of claims 1-10, 12 and 13 based on the combination of Haupt, with Arndt, Kubala and Okuyama be withdrawn.

Rejection under 35 U.S.C. § 103 (Haupt in view of Arndt and further in view of Kubala)

Claims 15-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Haupt in view of Arndt and further in view of Kubala.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. *see* M.P.E.P. § 2143. Without admitting that the second criteria is satisfied, the Applicant respectfully asserts that the Examiner's rejection fails to satisfy the first or third criteria.

Lack of All Claim Limitations.

Claim 15 requires firmware comprising reset code that resets a portion of the partition, wherein one processor of the plurality of processors executes the reset code, and random access memory that is not affected by the reset code, that stores a list of addresses associated with the portion.

The Examiner again points to column 7, lines 39-50 of Kubala as describing random access memory that is not affected by the reset code, that stores a list of addresses associated with the portion, and admits that Haupt and Arndt do not teach this limitation. Applicant respectfully disagrees with the Examiner's characterization of Kubala. The portion of Kubala cited by the Examiner is described in detail with reference to claim 1. Kubala only describes

logical partitions and logical processors. Nowhere does Kubala describe random access memory that is not affected by the reset code, that stores a list of addresses associated with the portion. Again, Kubala describes making a list of logical processors and their prefix register values, but Applicant respectfully asserts that this bears no relation to the recited limitation in claim 15.

As Kubala does not describe random access memory that is not affected by the reset code, that stores a list of addresses associated with the portion, Kubala does not describe, and Haupt, Arndt and Okuyama are not relied upon as describing, at least this limitation of claim 15 as required by § 103.

Claims 16-21 depend from claim 15 and therefore inherit all the limitations thereof. Claims 16-21, therefore, are allowable for at least the reasons set forth above with respect to claim 15.

Lack of Motivation

The Examiner provides the same motivation for combining Kubala with Haupt and Arndt as set forth with respect to claim 1. Therefore, for the reasons described with respect to claim 1, Applicant respectfully asserts that the Examiner's combination of Kubala with Haupt and Arndt is improper. Applicant, therefore respectfully requests that the rejection based on this combination be withdrawn.

Rejection under 35 U.S.C. § 103 (Haupt in view of Arndt and Kubala and further in view of Patterson or Schelling)

Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Haupt in view of Arndt, further in view of Kubala, further in view of Okuyama, and further in view of Patterson et al. (Patterson, David A. et al., "Computer Organization and Design", Morgan Kaufman Publishers, Inc., 1998, pp 579-583) (hereinafter "Patterson"). Claims 14 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Haupt in view of Arndt, further in view of Kubala, further in view of Okuyama, and further in view of U.S. Patent Publication No. 2003/0229775 to Schelling (hereinafter "Schelling")

Claims 11 and 14 depend from claim 1 and therefore inherit all the limitations thereof. Claims 11 and 14, therefore, are allowable for at least the reasons set forth above with respect to claim 1. Claim 22 depends from claim 15 and therefore inherits all the limitations thereof. Claims 22, therefore, is allowable for at least the reasons set forth above with respect to claim 15.

Conclusion

In view of the above remarks, the Applicant believes the pending application is in condition for allowance. Applicant is enclosing the fee for a one-month extension. Applicant believes no additional fee is due with this response. However, if a fee is due, please charge Deposit Account No. 08-2025, under Order No. 200205355-1 from which the undersigned is authorized to draw.

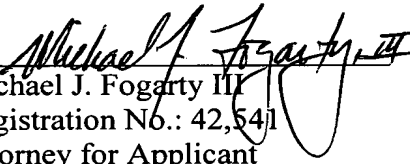
Dated: March 22, 2006

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV482725375US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: March 22, 2006

Signature: _____
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Attachments

